

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

\_\_\_\_\_  
JONATHAN L. MOORE, )  
Plaintiff, )  
v. ) C.A. No. 13-653-M  
ELICIA PETTY, et al. )  
Defendants. )  
\_\_\_\_\_  
)

**MEMORANDUM AND ORDER**

JOHN J. McCONNELL, JR., United States District Judge.

This is the seventh complaint Mr. Moore has filed in this court incident to his incarceration.<sup>1</sup> This case arises from injuries he received when a fellow inmate assaulted him on March 30, 2013. Mr. Moore alleges four correctional officers “failed to objectively intervene and protect Plaintiff from being physically assaulted by another inmate.” (ECF No. 10 at 2). After full discovery, the Defendants moved for summary judgment (ECF No. 63) and Mr. Moore objected. (ECF No. 68). Because this Court finds that there are no genuine issues of material fact in dispute and that all of the Defendants are entitled to judgment as a matter of law, the Court GRANTS Defendants’ Motion for Summary Judgment.

If it is true that a “picture is worth a thousand words” then a video must be worth millions. In this case, the videos of the incident in question (ECF No. 63) leave no doubt at all that Mr. Moore has failed to show that any of these Defendants acted with indifference toward his health or safety. *Famer v. Brennan*, 511 U.S. 825, 833 (1994). The videos do not support

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<sup>1</sup> The six prior actions and their status are 09-434-M (dismissed); 09-452-M (dismissed); 09-543-S (dismissed); 10-049-ML (dismissed and appeal denied); 11-483-M (dismissed and appeal denied); 11-599-ML (dismissed).

Mr. Moore's allegation in his complaint that the Defendants failed to intervene and protect him. In fact, the videos show that the Defendants acted deliberately and quickly in responding to the unprovoked assault on Mr. Moore by the fellow inmate.

After full discovery in this case, Mr. Moore has produced nothing that proves the central facts alleged in his complaint. Therefore, there are no genuine issues of material fact to be decided, Mr. Moore has failed to present facts in support of his assertion that his Eighth Amendment rights were violated, and the Defendants are entitled to judgment as a matter of law.

Defendants' Motion for Summary Judgment (ECF No. 63) is GRANTED. Judgment shall enter for the Defendants, no costs.

IT IS SO ORDERED.

A handwritten signature in blue ink, appearing to read "John J. McConnell, Jr." The signature is fluid and cursive, with "John" on the first line and "J. McConnell, Jr." on the second line.

John J. McConnell, Jr.  
United States District Judge

April 15, 2015